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09/675,274	09/29/2000	Christopher Richard Uhlik	015685.P052	1012
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ARRAYCOMM/BLAKELY 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER TSEGAYE, SABA	
			ART UNIT	PAPER NUMBER
			2619	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/675,274

Applicant(s)

UHLIK, CHRISTOPHER RICHARD

Examiner

Saba Tsegaye

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-16, 19-22, 25-27, 30-33, 36-40 and 43-61 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 17, 18, 23, 24, 28, 29, 34, 35, 41 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This Office Action is in response to the amendment filed 09/25/06. Claims 1-61 are pending. Claims 8, 9, 17, 18, 23, 24, 28, 29, 34, 35, 41 and 42 are objected. Claims 1-7, 10-16, 19-22, 25-27, 30-33, 36-40 and 43-61 are rejected.

### *Claim Rejections - 35 USC § 103*

2. Claims 1-3, 10, 12, 19, 20, 25, 26, 30, 31, 36, 37, 43, 47-50, 53-57 and 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. (US 6,647,000 B1) in view of Kasugai (US 5,390,366).

Regarding claims 1, 10, 30 and 36, Persson discloses a method that transmits a first broadcast message in a broadcast channel at a first specific time within a first assigned slot of a predetermined frame from a first broadcasting terminal (first base station) of a radio communications system, the first broadcast message including a broadcast information sequence; and transmitting a second broadcast message in the broadcast channel at a second specific time within a second assigned slot of the predetermined frame from a second broadcasting terminal (second base station) of the radio communications system, the second broadcast message including a broadcast information sequence (column 13, line 60-column 14, line 13). Further, Persson discloses that **the synchronization burst** is detected by mobile stations **to acquire frame** synchronization and for base station identification purposes (This means that the mobile station can direct its message to a specific base station (broadcasting terminal) based on base station identification) (column 11, lines 19-27). However, Persson does not

Art Unit: 2619

expressly discloses the received message from a user terminal being timed relative to the first broadcast message to distinguish the received message as being directed to the first broadcasting terminal.

Kasugai teaches a mobile communication system comprises a plurality of base stations share a control channel and plurality of communication channels. As shown in figs. 4 and 7, the plurality of base stations transmit idle signal to mobile stations in an assigned time slot of the control channel. The mobile stations send signal via the control channel synchronized with the idle signal (column 2, lines 48-60, column 3, line 65-column 4, line 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Persson's communication system by transmitting a message being timed relative to the first broadcast message as taught by Kasugai in order to provide a mobile communication system which the control channel and the communication channels to be effectively utilized (column 1, lines 55-58).

Regarding claims 2, 11, 31 and 37, Persson discloses the method further comprising transmitting broadcast messages in the broadcast channel at further specific times within further assigned slots of a predetermined frame from further broadcasting terminals of the radio communications system, the further broadcast messages including a broadcast information sequence (column 5, lines 66-column 6, lines 2; column 7, lines 5-10).

Regarding claims 3 and 12, Persson discloses the method wherein the predetermined frame is a repeating frame (column 8, lines 21-41).

Regarding claim 43, Persson discloses a broadcast channel in a radio communications system, the channel comprising:

a repeating frame shared by a plurality of broadcasting terminals, the frame having a plurality of slots, each broadcasting terminal being assigned to a slot (column 7, lines 5-10);

a predetermined timing assigned to each slot, so that each slot of the frame is synchronized at all base stations (column 7, lines 11-20);

a broadcast burst message for each broadcasting terminals, for transmission in the respective assigned slot, the burst message having a broadcast information sequence (column 7, lines 5-10; column 8, line 64-column 9, line 12). Further, Persson discloses that synchronization burst is detected by mobile stations to acquire frame synchronization and for base station identification purposes (by identifying a specific base station, the mobile station transmits a message to the identified base station (column 11, lines 8-27; column 16, lines 10-21)).

However, Persson does not disclose each slot of the uplink request channel having a timing relationship with the slots of the repeating frame to distinguish uplink requests sent to different ones of several nearby broadcasting terminals.

Kasugai teaches a mobile communication system comprises a plurality of base stations share a control channel and plurality of communication channels. As shown in figs. 4 and 7, the plurality of base stations transmit idle signal to mobile stations in an assigned time slot of the control channel. The mobile stations send signal via the control

Art Unit: 2619

channel synchronized with the idle signal (column 2, lines 48-60, column 3, line 65-column 4, line 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Person's communication system by transmitting a message being timed relative to the first broadcast message as taught by Kasugai in order to provide a mobile communication system which the control channel and the communication channels to be effectively utilized (column 1, lines 55-58).

Regarding claim 47, Persson discloses the channel further comprising a frequency hopping sequence (column 5, line 63-column 6, line 2).

Regarding claim 48, Persson discloses a method for accessing a wireless network, comprising:

receiving a plurality of timing sequences on a broadcast channel, each timing sequence being received from a different one of a plurality of broadcasting terminals (column 8, line 64-column 9, line 12);

determining network timing using the received timing sequences (column 11, lines 8-27);

selecting one from among the plurality of broadcasting terminals using the received timing sequences (column 5, lines 66-column 6, lines 2; column 11, lines 8-27). Further, Persson discloses that synchronization burst is detected by mobile stations to acquire frame synchronization and for base station identification purposes (by identifying

Art Unit: 2619

a specific base station, the mobile station transmits a message to the identified base station (column 11, lines 8-27; column 16, lines 10-21)).

However, Persson does not disclose the received message being timed relative to the first broadcast message to distinguish the received message as being directed to the first broadcasting terminal.

Kasugai teaches a mobile communication system comprises a plurality of base stations share a control channel and plurality of communication channels. As shown in figs. 4 and 7, the plurality of base stations transmit idle signal to mobile stations in an assigned time slot of the control channel. The mobile stations send signal via the control channel synchronized with the idle signal (column 2, lines 48-60, column 3, line 65-column 4, line 15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Person's communication system by transmitting a message being timed relative to the first broadcast message as taught by Kasugai in order to provide a mobile communication system which the control channel and the communication channels to be effectively utilized (column 1, lines 55-58).

Regarding claim 49, Persson discloses the method wherein the timing sequences are received with at least one frequency and wherein the method further comprises using the received timing sequences to determine a base station selection message frequency based on the frequency of the received timing sequences (column 8, line 64-column 9, line 12).

Art Unit: 2619

Regarding claim 50, Persson discloses the method wherein the message is transmitted omnidirectionally (column 5, lines 54-62).

Regarding claims 53-55, Persson discloses the method further comprising receiving broadcasting terminal identifiers on the broadcast channel, the broadcasting terminal identifiers each being associated with a respective timing sequence and using the broadcasting terminal identifiers to distinguish broadcasts from different broadcasting terminals on the broadcast channel (column 11, lines 8-18; column 7, lines 5-10).

Regarding claims 19, 25 and 56, Persson discloses all the claim limitations as stated above, except for a machine-readable medium.

Those skilled in the art will appreciate that the physical storage of the sets of instructions physically changes the medium upon which it is stored so that the medium carries machine-readable information.

Therefore, the system of Persson could be modified to use a machine-readable storage medium. At the time the invention was made, it would have been obvious to one ordinary skill in the art to add a machine-readable storage medium into the system of Persson.

One of ordinary skill in the art would have been motivated to do this because programs can be changed and upgraded and new features are added easily than hardware changes.



Art Unit: 2619

Regarding claims 20, 26 and 57, Persson discloses the instruction causing the machine to perform further operations comprising transmitting broadcast messages in the broadcast channel at further specific times within further assigned slots of a predetermined frame from further base stations of the radio communications system, the further broadcast messages including a broadcast information sequence (column 5, lines 66-column 6, lines 2; column 7, lines 5-10).

Regarding claims 59-61, Persson discloses the instruction causing the machine to perform further comprising receiving base station identifiers on the broadcast channel, the base station identifiers each being associated with a respective timing sequence and using the base station identifiers to distinguish broadcasts from different base stations on the broadcast channel (column 11, lines 8-18; column 7, lines 5-10).

3. Claims 4, 5, 13, 14, 21, 32, 38, 45, 46, 51, 52, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. in view of Kasugai et al. as applied to claims 1, 10, 19, 30, 36, 43, 48 and 56 above, and further in view of Dunn et al. (US 6,591,103).

Persson in view of Kasugai discloses all the claim limitations as stated above; except for the specific transmission times are determined based on a common timing reference (a satellite clock transmission) received by each base station.

Dunn teaches that using a shared command channel participating networks (from their local base stations) may broadcast their location, frequency availability and bandwidth price. User devices which wish to make connections and which know their

Art Unit: 2619

location either through GPS or manual entry, or through other means, can determine which base stations are sufficiently close to make a carrier selection and a protocol selections based from the common channel information. Those skilled in the art will appreciate that radio communication systems have unsynchronized base stations, i.e., base stations that do not share a common timing reference signal.

It would have been obvious to one ordinary skill in the art at the time the invention was made to use the teachings from Dunn of a common timing reference in the system of Persson in view of Kasugai. One of ordinary skill in the art would have been motivated to do this because using a common timing reference allows the base stations to synchronize.

4. Claims 6, 7, 15, 16, 22, 27, 33, 39, 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Persson et al. in view of Kasugai as applied to claims 1, 6, 10, 19, 25, 30, 36, and 43 above, and further in view of Almgren et al. (US 6,212,384).

Persson in view of Kasugai discloses all the claim limitations as stated above, except for the broadcast information sequence includes a code (color code) to identify the base station.

Almgren teaches that a base station color code (BCC) identifies a particular base station to distinguish between respective BTSs using the same BCCH frequencies (column 7, line 61-column 8, line 10).

It would have been obvious to one ordinary skill in that art at the time the invention was made to use the teachings from Almgren of adding BCC to the frame in the timeslot disclosed by Persson in view of Kasugai. One of ordinary skill in the art would

Art Unit: 2619

have been motivated to do this because adding BCC allows the user to accurately identify candidate base stations for which it is making received signal strength measurements.

***Allowable Subject Matter***

5. Claims 8, 9, 17, 18, 23, 24, 28, 29, 34, 35, 41 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-61 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saba Tsegaye  
Examiner  
Art Unit 2619

ST  
November 09, 2007

  
11/13/07  
WING CHAN  
SUPERVISORY PATENT EXAMINER